

1 I, Adrian Riskin, declare under oath as follows:

2 1. I am the Petitioner in this action. I am giving this declaration in support of
3 Petitioner's motion to compel production of lists of withheld documents. I have personal and first-
4 hand knowledge of the facts stated in this declaration and could testify to them as a witness at a
5 trial or hearing.

6 2. I submitted to Respondent requests for records under the California Public Records
7 Act on May 17, 2017, July 7, 2017, and July 31, 2017. In total, four categories of records were
8 requested. Attached as Exhibit A are the requests I submitted to Respondent on May 17, 2017, July
9 7, 2017, and July 31, 2017, respectively.

10 3. In response to three of the four requested items, Respondent indicated it withheld
11 responsive records under the deliberative process privilege.

12 4. In each instance, I requested more specific information from Respondent as to how
13 the cited exemption applied to the withheld records. Respondent consistently refused to provide
14 that additional information.

15 5. In response to my May 17, 2017, request ("Request 1"), Respondent produced
16 records but did not indicate whether other records were withheld.

17 6. When I inquired as to whether Respondent withheld records citing to exemption,
18 Respondent declined to confirm, stating only, "[a]ll non-exempt records have been submitted. Any
19 exemptions are due to deliberative process." Attached as Exhibit B is the copy of the first email
20 Respondent sent declining to confirm whether it withheld records.

21 7. I subsequently made repeated efforts to gain clarity on whether Respondent actually
22 withheld records subject to exemption and, if so, to determine what reasoning Respondent applied
23 in determining the records were exempt. Respondent declined to provide additional information.
24 Attached as Exhibit C is email correspondence between myself and Respondent in which I attempt
25 to gain more information on withholdings in response to Request #1.

26 8. In response to my July 7, 2017, request ("Request 2"), Respondent initially stated
27 that it determined Request #2 sought both exempt and non-exempt records, and that it would
28

1 produce the non-exempt records. Attached as Exhibit D is Respondent's email stating it would
2 produce non-exempt records.

3 9. I responded, requesting additional information from Respondent as to its justification
4 for withholding records subject to exemption. Respondent did not provide additional information.
5 Attached as Exhibit E is my email communication with Respondent regarding its claim of
6 exemption in response to Request #2.

7 10. Finally, Respondent informed me that it was withholding all responsive records
8 subject to exemption. Attached as Exhibit F is Respondent's email to me stating it was withholding
9 all responsive records.

10 11. I, again, asked Respondent to provide clarification as to why it believed the withheld
11 records were exempt under the law. Respondent did not provide additional information. Attached
12 as Exhibit G is my email requesting further clarification regarding Request #2.

13 12. In response to my July 31, 2017, request ("Request #3"), Respondent initially
14 claimed that responsive records did not exist. Attached as Exhibit H is Respondent's initial
15 response to Request #3 stating that no responsive records exist.

16 13. When I presented Respondent with evidence to the contrary, Respondent stated that
17 it determined Request #3 sought records exempt from disclosure. Attached as Exhibit I is
18 Respondent's email stating that Request #3 sought emails exempt from disclosure.

19 14. I requested additional information as to why Respondent believed the withheld
20 records were exempt, but Respondent declined to provide additional information. Attached as
21 Exhibit J is my email to Respondent seeking additional information regarding exemptions and
22 Request #3.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing
24 is true and correct.

25 Dated: October 17, 2018

26 
27 Adrian Riskin
28

EXHIBIT A

CPRA request (FDBID.2017.05.17.a)

From: adrian@mailingaddress.org
To: [Rena Leddy <rena@fashiondistrict.org>](mailto:RenaLeddy@rena@fashiondistrict.org)
Subject: CPRA request (FDBID.2017.05.17.a)
Date: Wednesday, May 17, 2017 10:41 AM
Size: 1 KB

Good morning, Rena.

I'd like to take a look at the following material, noting that "anyone at the BID" is meant to encompass both staff and board of directors:

1. All emails between anyone at the BID and anyone at either southpark.la, dlanc.com, or anyone at either the South Park BID or DLANC using any email address whatsoever, from January 1, 2016 through May 15, 2017.
2. All emails in the possession of Mark Chatoff from 2017 that relate in any way to the operations of the BID.
3. Any emails between anyone at the BID and anyone at delsonproperties.com or anyone at Delson using any email address whatsoever, including Michael Delijani, from January 1, 2016 through May 15, 2017.

Thanks,

Adrian

CPRA request (FDBID.2017.07.07.b)

From: adrian@emailuser.net
To: [Rena Leddy <rena@fashiondistrict.org>](mailto:RenaLeddy@fashiondistrict.org)
Subject: CPRA request (FDBID.2017.07.07.b)
Date: Friday, July 07, 2017 6:39 PM
Size: 804 B

Good afternoon, Rena.

I'd like to see all emails between anyone at UPC and anyone at the BID (staff and board) exclusive of you from January 1, 2017 through whenever you comply with this request. I need these in either native format with attachments included or in that specific PDF format you use which includes embedded attachments.

Thanks for your help,

Adrian

CPRA request (FDBID.2017.07.31.b)

From: adrian@emailuser.net
To: [Rena Leddy <rena@fashiondistrict.org>](mailto:RenaLeddy@fashiondistrict.org)
Subject: CPRA request (FDBID.2017.07.31.b)
Date: Monday, July 31, 2017 4:52 PM
Size: 583 B

Good afternoon, Rena.

I'd like copies of all 2017 emails in the possession of Linda Becker that relate to the operation of the BID.

Thanks,

Adrian

EXHIBIT B

RE: CPRA request (FDBID.2017.05.17.a)

From: [Rena Leddy <rena@fashiondistrict.org>](mailto:rena@fashiondistrict.org)
To: adrian@mailingaddress.org
Subject: RE: CPRA request (FDBID.2017.05.17.a)
Date: Monday, July 17, 2017 1:23 PM
X-Delivered-To: adrian@mailingaddress.org
Size: 7 KB

All non-exempt records have been submitted. Any exemptions are due to deliberative process.

-----Original Message-----

From: adrian@mailingaddress.org [mailto:adrian@mailingaddress.org]
Sent: Friday, July 14, 2017 5:23 PM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: Re: CPRA request (FDBID.2017.05.17.a)

Thanks, Rena.

Have you claimed any exemptions? Or are you claiming, e.g., that Mark Chatoff has no BID emails in his possession?

Thanks,

Adrian

On Fri, Jul 14, 2017, at 04:26 PM, Rena Leddy wrote:

Below is the completed response.

<https://www.dropbox.com/sh/y7ups1efacxaj92/AADicCgUHT6vS46k4qg7EGBoa?dl=0>

-----Original Message-----

From: adrian@mailingaddress.org [mailto:adrian@mailingaddress.org]
Sent: Wednesday, May 17, 2017 10:41 AM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: CPRA request (FDBID.2017.05.17.a)

Good morning, Rena.

I'd like to take a look at the following material, noting that "anyone at the BID" is meant to encompass both staff and board of directors:

1. All emails between anyone at the BID and anyone at either southpark.la, dlanc.com, or anyone at either the South Park BID or DLANC using any email address whatsoever, from January 1, 2016 through May 15, 2017.
2. All emails in the possession of Mark Chatoff from 2017 that relate in any way to the operations of the BID.
3. Any emails between anyone at the BID and anyone at delsonproperties.com or anyone at Delson using any email address whatsoever, including Michael Delijani, from January 1, 2016 through May 15, 2017.

Thanks,

Adrian

EXHIBIT C

Re: CPRA request (FDBID.2017.05.17.a)

From: adrian@mailingaddress.org
To: [Rena Leddy <rena@fashiondistrict.org>](mailto:RenaLeddy@fashiondistrict.org)
Subject: Re: CPRA request (FDBID.2017.05.17.a)
Date: Monday, July 17, 2017 1:38 PM
Size: 4 KB

Hi Rena,

Can you please state explicitly whether or not you have withheld actual emails due to "deliberative process."

If you have, can you please state the name and title of the person responsible for deciding that every single email in the possession of Mark Chatoff that relates to the operation of the BID is exempt due to "deliberative process?"

Also, if you have withheld such emails on the basis of a "deliberative process" exemption, can you please let me know how you determined that whatever public interest might be protected by withholding the records "clearly" outweighs the public interest in gaining access to them?

As I'm sure you're aware, there is no "deliberative process" exemption in CPRA. Claims of "deliberative process" are actually invocations of section 6255(a), which requires such a weighing of interests. As you haven't even asked me what public interests might be served by the revelation of these records, it's implausible that you've complied with your duties under CPRA.

Just for instance, the public has an interest in knowing when you inform your board members of meeting dates. It's as exceedingly implausible that Mark Chatoff has deleted all such announcements as it is that there's any public interest whatsoever in withholding them. Also, there's a huge public interest in understanding how your Board directs you on positions to take with respect to City politics. I can list more examples if necessary, but perhaps you could let me know how it is that the public interest in withholding the emails ***clearly*** outweighs these interests.

Thanks,

Adrian

On Mon, Jul 17, 2017, at 01:23 PM, Rena Leddy wrote:

All non-exempt records have been submitted. Any exemptions are due to deliberative process.

-----Original Message-----

From: adrian@mailingaddress.org [mailto:adrian@mailingaddress.org]
Sent: Friday, July 14, 2017 5:23 PM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: Re: CPRA request (FDBID.2017.05.17.a)

Thanks, Rena.

Have you claimed any exemptions? Or are you claiming, e.g., that Mark Chatoff has no BID emails in his possession?

RE: CPRA request (FDBID.2017.05.17.a)

From: [Rena Leddy <rena@fashiondistrict.org>](mailto:rena@fashiondistrict.org)
To: adrian@mailingaddress.org
Subject: RE: CPRA request (FDBID.2017.05.17.a)
Date: Monday, July 17, 2017 4:27 PM
X-Delivered-To: adrian@mailingaddress.org
Size: 10 KB

I have determined that the BID has no records responsive to requests #2 and #3. Regarding request #1, I have determined that all non-exempt records have been produced.

-----Original Message-----

From: adrian@mailingaddress.org [mailto:adrian@mailingaddress.org]
Sent: Monday, July 17, 2017 1:38 PM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: Re: CPRA request (FDBID.2017.05.17.a)

Hi Rena,

Can you please state explicitly whether or not you have withheld actual emails due to "deliberative process."

If you have, can you please state the name and title of the person responsible for deciding that every single email in the possession of Mark Chatoff that relates to the operation of the BID is exempt due to "deliberative process?"

Also, if you have withheld such emails on the basis of a "deliberative process" exemption, can you please let me know how you determined that whatever public interest might be protected by withholding the records "clearly" outweighs the public interest in gaining access to them?

As I'm sure you're aware, there is no "deliberative process" exemption in CPRA. Claims of "deliberative process" are actually invocations of section 6255(a), which requires such a weighing of interests. As you haven't even asked me what public interests might be served by the revelation of these records, it's implausible that you've complied with your duties under CPRA.

Just for instance, the public has an interest in knowing when you inform your board members of meeting dates. It's as exceedingly implausible that Mark Chatoff has deleted all such announcements as it is that there's any public interest whatsoever in withholding them. Also, there's a huge public interest in understanding how your Board directs you on positions to take with respect to City politics. I can list more examples if necessary, but perhaps you could let me know how it is that the public interest in withholding the emails ***clearly*** outweighs these interests.

Thanks,

Adrian

On Mon, Jul 17, 2017, at 01:23 PM, Rena Leddy wrote:

All non-exempt records have been submitted. Any exemptions are due to deliberative process.

-----Original Message-----

From: adrian@mailingaddress.org [mailto:adrian@mailingaddress.org]
Sent: Friday, July 14, 2017 5:23 PM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: Re: CPRA request (FDBID.2017.05.17.a)

Thanks, Rena.

Have you claimed any exemptions? Or are you claiming, e.g., that Mark Chatoff has no BID emails in his possession?

Re: CPRA request (FDBID.2017.05.17.a)

From: adrian@mailingaddress.org
To: [Rena Leddy <rena@fashiondistrict.org>](mailto:RenaLeddy@fashiondistrict.org)
Subject: Re: CPRA request (FDBID.2017.05.17.a)
Date: Monday, July 17, 2017 4:29 PM
Size: 5 KB

Thanks, Rena. This doesn't answer my question, which is whether or not there are in fact records responsive to #1 which you have actually withheld. Please clarify.

Thanks,

Adrian

On Mon, Jul 17, 2017, at 04:27 PM, Rena Leddy wrote:

I have determined that the BID has no records responsive to requests #2 and #3. Regarding request #1, I have determined that all non-exempt records have been produced.

-----Original Message-----

From: adrian@mailingaddress.org [mailto:adrian@mailingaddress.org]
Sent: Monday, July 17, 2017 1:38 PM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: Re: CPRA request (FDBID.2017.05.17.a)

Hi Rena,

Can you please state explicitly whether or not you have withheld actual emails due to "deliberative process."

If you have, can you please state the name and title of the person responsible for deciding that every single email in the possession of Mark Chatoff that relates to the operation of the BID is exempt due to "deliberative process?"

Also, if you have withheld such emails on the basis of a "deliberative process" exemption, can you please let me know how you determined that whatever public interest might be protected by withholding the records "clearly" outweighs the public interest in gaining access to them?

As I'm sure you're aware, there is no "deliberative process" exemption in CPRA. Claims of "deliberative process" are actually invocations of section 6255(a), which requires such a weighing of interests. As you haven't even asked me what public interests might be served by the revelation of these records, it's implausible that you've complied with your duties under CPRA.

Just for instance, the public has an interest in knowing when you inform your board members of meeting dates. It's as exceedingly implausible that Mark Chatoff has deleted all such announcements as it is that there's any public interest whatsoever in withholding them. Also, there's a huge public interest in understanding how your Board directs you on positions to take with respect to City politics. I can list more examples if necessary, but perhaps you could let me know how it is that the public interest in withholding the emails ***clearly*** outweighs these interests.

Re: CPRA request (FDBID.2017.05.17.a)

From: adrian@mailingaddress.org
To: [Rena Leddy <rena@fashiondistrict.org>](mailto:rena@fashiondistrict.org)
Subject: Re: CPRA request (FDBID.2017.05.17.a)
Date: Thursday, July 27, 2017 12:05 PM
Size: 6 KB

Hi Rena,

I'm just wondering what's up with this?

Thanks,

Adrian

On Mon, Jul 17, 2017, at 04:29 PM, adrian@mailingaddress.org wrote:

Thanks, Rena. This doesn't answer my question, which is whether or not there are in fact records responsive to #1 which you have actually withheld. Please clarify.

Thanks,

Adrian

On Mon, Jul 17, 2017, at 04:27 PM, Rena Leddy wrote:

I have determined that the BID has no records responsive to requests #2 and #3. Regarding request #1, I have determined that all non-exempt records have been produced.

-----Original Message-----

From: adrian@mailingaddress.org [mailto:adrian@mailingaddress.org]

Sent: Monday, July 17, 2017 1:38 PM

To: Rena Leddy <rena@fashiondistrict.org>

Subject: Re: CPRA request (FDBID.2017.05.17.a)

Hi Rena,

Can you please state explicitly whether or not you have withheld actual emails due to "deliberative process."

If you have, can you please state the name and title of the person responsible for deciding that every single email in the possession of Mark Chatoff that relates to the operation of the BID is exempt due to "deliberative process?"

Also, if you have withheld such emails on the basis of a "deliberative process" exemption, can you please let me know how you determined that whatever public interest might be protected by withholding the records "clearly" outweighs the public interest in gaining access to them?

As I'm sure you're aware, there is no "deliberative process" exemption in CPRA. Claims of "deliberative process" are actually invocations of section 6255(a), which requires such a weighing of interests. As you haven't even asked me what public interests might be served by the revelation of these records, it's implausible that you've complied with your duties under CPRA.

EXHIBIT D

RE: CPRA request (FDBID.2017.07.07.b)

From: [Rena Leddy <rena@fashiondistrict.org>](mailto:rena@fashiondistrict.org)
To: adrian@emailuser.net
Subject: RE: CPRA request (FDBID.2017.07.07.b)
Date: Monday, July 17, 2017 1:34 PM
X-Delivered-To: adrian@emailuser.net
Size: 6 KB

Adrian,

I have determined that your CPRA request dated July 7, 2017 seeks some records which are exempt from disclosure as deliberative process. However, all non-exempt records, and records for which exempt information can be reasonably segregated and redacted, will be produced in the order in which your CPRA request was received. I estimate we can produce these within the next two weeks.

Regards,
Rena

-----Original Message-----

From: adrian@emailuser.net [mailto:adrian@emailuser.net]
Sent: Friday, July 07, 2017 6:40 PM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: CPRA request (FDBID.2017.07.07.b)

Good afternoon, Rena.

I'd like to see all emails between anyone at UPC and anyone at the BID (staff and board) exclusive of you from January 1, 2017 through whenever you comply with this request. I need these in either native format with attachments included or in that specific PDF format you use which includes embedded attachments.

Thanks for your help,

Adrian

EXHIBIT E

Re: CPRA request (FDBID.2017.07.07.b)

From: adrian@emailuser.net
To: [Rena Leddy <rena@fashiondistrict.org>](mailto:rena@fashiondistrict.org)
Subject: Re: CPRA request (FDBID.2017.07.07.b)
Date: Monday, July 17, 2017 1:41 PM
Size: 2 KB

Thanks for the update, Rena.

I think that claims of "deliberative process" as an exemption here can't stand up to the primacy of the public interest in understanding how the BID and UPC lobby the City in support of the various ordinances which must be passed by Council to renew your BID. I hope you will take the statements in LAMC 48.01 about this interest into account before making any claims about the public interest in withholding these communications. As I'm sure you're aware, "public interest" is not an exemption allowed by CPRA and Section 6255(a) requires a weighing of interests.

Thanks again for your help,

Adrian

On Mon, Jul 17, 2017, at 01:34 PM, Rena Leddy wrote:

Adrian,

I have determined that your CPRA request dated July 7, 2017 seeks some records which are exempt from disclosure as deliberative process. However, all non-exempt records, and records for which exempt information can be reasonably segregated and redacted, will be produced in the order in which your CPRA request was received. I estimate we can produce these within the next two weeks.

Regards,
Rena

-----Original Message-----

From: adrian@emailuser.net [mailto:adrian@emailuser.net]
Sent: Friday, July 07, 2017 6:40 PM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: CPRA request (FDBID.2017.07.07.b)

Good afternoon, Rena.

I'd like to see all emails between anyone at UPC and anyone at the BID (staff and board) exclusive of you from January 1, 2017 through whenever you comply with this request. I need these in either native format with attachments included or in that specific PDF format you use which includes embedded attachments.

Thanks for your help,

Adrian

RE: CPRA request (FDBID.2017.07.07.b)

From: [Rena Leddy <rena@fashiondistrict.org>](mailto:rena@fashiondistrict.org)
To: adrian@emailuser.net
Subject: RE: CPRA request (FDBID.2017.07.07.b)
Date: Monday, July 17, 2017 4:12 PM
X-Delivered-To: adrian@emailuser.net
Size: 7 KB

I have determined again that the exemption raised applies.

-----Original Message-----

From: adrian@emailuser.net [mailto:adrian@emailuser.net]
Sent: Monday, July 17, 2017 1:42 PM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: Re: CPRA request (FDBID.2017.07.07.b)

Thanks for the update, Rena.

I think that claims of "deliberative process" as an exemption here can't stand up to the primacy of the public interest in understanding how the BID and UPC lobby the City in support of the various ordinances which must be passed by Council to renew your BID. I hope you will take the statements in LAMC 48.01 about this interest into account before making any claims about the public interest in withholding these communications. As I'm sure you're aware, "public interest" is not an exemption allowed by CPRA and Section 6255(a) requires a weighing of interests.

Thanks again for your help,

Adrian

On Mon, Jul 17, 2017, at 01:34 PM, Rena Leddy wrote:

Adrian,

I have determined that your CPRA request dated July 7, 2017 seeks some records which are exempt from disclosure as deliberative process. However, all non-exempt records, and records for which exempt information can be reasonably segregated and redacted, will be produced in the order in which your CPRA request was received. I estimate we can produce these within the next two weeks.

Regards,
Rena

-----Original Message-----

From: adrian@emailuser.net [mailto:adrian@emailuser.net]
Sent: Friday, July 07, 2017 6:40 PM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: CPRA request (FDBID.2017.07.07.b)

Good afternoon, Rena.

I'd like to see all emails between anyone at UPC and anyone at the BID (staff and board) exclusive of you from January 1, 2017 through whenever you comply with this request. I need these in either native format with attachments included or in that specific PDF format you use which includes embedded attachments.

Thanks for your help,

Re: CPRA request (FDBID.2017.07.07.b)

From: adrian@emailuser.net
To: [Rena Leddy <rena@fashiondistrict.org>](mailto:rena@fashiondistrict.org)
Subject: Re: CPRA request (FDBID.2017.07.07.b)
Date: Monday, July 17, 2017 4:14 PM
Size: 3 KB

Thanks for the information, Rena. Do you mind explaining how you determined that whatever public interest you're protecting by withholding these records ***clearly*** outweighs the public interest in releasing them as described in LAMC 48.01?

thanks,

Adrian

On Mon, Jul 17, 2017, at 04:12 PM, Rena Leddy wrote:

I have determined again that the exemption raised applies.

-----Original Message-----

From: adrian@emailuser.net [mailto:adrian@emailuser.net]
Sent: Monday, July 17, 2017 1:42 PM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: Re: CPRA request (FDBID.2017.07.07.b)

Thanks for the update, Rena.

I think that claims of "deliberative process" as an exemption here can't stand up to the primacy of the public interest in understanding how the BID and UPC lobby the City in support of the various ordinances which must be passed by Council to renew your BID. I hope you will take the statements in LAMC 48.01 about this interest into account before making any claims about the public interest in withholding these communications. As I'm sure you're aware, "public interest" is not an exemption allowed by CPRA and Section 6255(a) requires a weighing of interests.

Thanks again for your help,

Adrian

On Mon, Jul 17, 2017, at 01:34 PM, Rena Leddy wrote:

Adrian,

I have determined that your CPRA request dated July 7, 2017 seeks some records which are exempt from disclosure as deliberative process. However, all non-exempt records, and records for which exempt information can be reasonably segregated and redacted, will be produced in the order in which your CPRA request was received. I estimate we can produce these within the next two weeks.

Regards,
Rena

-----Original Message-----

From: adrian@emailuser.net [mailto:adrian@emailuser.net]
Sent: Friday, July 07, 2017 6:40 PM

EXHIBIT F

CPRA request (FDBID.2017.07.07.b)

From: [LA Fashion District <info@fashiondistrict.org>](mailto:info@fashiondistrict.org)
To: adrian@mailingaddress.org, adrian@emailuser.net, adrian@a-spectre-is-haunting-los-angeles.net,
ariskin@whittier.edu
Subject: CPRA request (FDBID.2017.07.07.b)
Date: Friday, October 13, 2017 4:24 PM
X-Delivered-To: adrian@mailingaddress.org
Size: 9 KB

Good Afternoon –

On October 6th you received an email stating we had records responsive to CPRA request FDBID.2017.07.07.b. In processing the request, I mistook FDBID.2017.07.07.b with request FDBID.2017.07.07.c which had already been fulfilled (8/25/17). At this time Rena Leddy has determined that your CPRA request FDBID.2017.07.07.b seeks records which are exempt from disclosure under the CPRA because they constitute deliberative process privilege and we have no records responsive. My apologies for any confusion, I will be diligent in responding moving forward.

Thank you

EXHIBIT G

Re: CPRA request (FDBID.2017.07.07.b)

From: adrian@mailingaddress.org
To: [Rena Leddy <rena@fashiondistrict.org>](mailto:rena@fashiondistrict.org)
Subject: Re: CPRA request (FDBID.2017.07.07.b)
Date: Friday, October 13, 2017 4:28 PM
Size: 2 KB

Hi Rena,

I just want to confirm that you are claiming that all emails between anyone at the BID, staff and board, are exempt from disclosure. In particular, you're claiming that the public interest in withholding this material ***clearly*** outweighs the public interest in releasing it. If you have satisfied your duties under the CPRA with respect to this exemption, you ***must*** have used some conception of the public interest in releasing this material. Can you please tell me what it was?

Thanks for your help,

Adrian

On Fri, Oct 13, 2017, at 04:24 PM, LA Fashion District wrote:

Good Afternoon -

On October 6th you received an email stating we had records responsive to CPRA request FDBID.2017.07.07.b. In processing the request, I mistook FDBID.2017.07.07.b with request FDBID.2017.07.07.c which had already been fulfilled (8/25/17). At this time Rena Leddy has determined that your CPRA request FDBID.2017.07.07.b seeks records which are exempt from disclosure under the CPRA because they constitute deliberative process privilege and we have no records responsive. My apologies for any confusion, I will be diligent in responding moving forward.

Thank you

EXHIBIT H

RE: CPRA request (FDBID.2017.07.31.b)

From: [Rena Leddy <rena@fashiondistrict.org>](mailto:rena@fashiondistrict.org)
To: adrian@emailuser.net
Subject: RE: CPRA request (FDBID.2017.07.31.b)
Date: Friday, August 18, 2017 3:12 PM
X-Delivered-To: adrian@emailuser.net
Size: 5 KB

Adrian,

I have determined that there are no records responsive to your request FDBID.2017.-7.31.b. No exemptions

Sincerely,
Rena

-----Original Message-----

From: adrian@emailuser.net [mailto:adrian@emailuser.net]
Sent: Friday, August 18, 2017 3:01 PM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: Re: CPRA request (FDBID.2017.07.31.b)

Good afternoon, Rena.

I'm just wondering about the status of this. You don't seem to have made an initial determination yet.

thanks,

Adrian

On Mon, Jul 31, 2017, at 04:52 PM, adrian@emailuser.net wrote:

Good afternoon, Rena.

I'd like copies of all 2017 emails in the possession of Linda Becker that relate to the operation of the BID.

Thanks,

Adrian

EXHIBIT I

Re: CPRA request (FDBID.2017.07.31.b)

From: adrian@emailuser.net
To: [Rena Leddy <rena@fashiondistrict.org>](mailto:rena@fashiondistrict.org)
Subject: Re: CPRA request (FDBID.2017.07.31.b)
Date: Friday, August 18, 2017 3:17 PM
Size: 2 KB

Hi Rena,

As I'm sure you're aware, your staff announced a meeting in early August. If Linda Becker received that email it's responsive. If she deleted it it must have been deleted after I made my request. It's quite likely that it's illegal to destroy responsive records after a request has been made. With this in mind, can you please ask Ms. Becker to do another search?

Thanks,

Adrian

On Fri, Aug 18, 2017, at 03:12 PM, Rena Leddy wrote:

Adrian,

I have determined that there are no records responsive to your request FDBID.2017.-7.31.b. No exemptions

Sincerely,
Rena

-----Original Message-----

From: adrian@emailuser.net [mailto:adrian@emailuser.net]
Sent: Friday, August 18, 2017 3:01 PM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: Re: CPRA request (FDBID.2017.07.31.b)

Good afternoon, Rena.

I'm just wondering about the status of this. You don't seem to have made an initial determination yet.

thanks,

Adrian

On Mon, Jul 31, 2017, at 04:52 PM, adrian@emailuser.net wrote:

Good afternoon, Rena.

I'd like copies of all 2017 emails in the possession of Linda Becker that relate to the operation of the BID.

Thanks,

Adrian

RE: CPRA request (FDBID.2017.07.31.b)

From: [Rena Leddy <rena@fashiondistrict.org>](mailto:rena@fashiondistrict.org)
To: adrian@emailuser.net
Subject: RE: CPRA request (FDBID.2017.07.31.b)
Date: Friday, August 18, 2017 5:05 PM
X-Delivered-To: adrian@emailuser.net
Size: 7 KB

I have determined that your request seeks records exempt from disclosure pursuant to the deliberative process privilege. Subject to the exemption, I will obtain for you a copy of all emails to Ms. Becker advising of Board meetings including any in August after your CPRA request was received; however I believe those, other than any August email, were provided to you in response to another request.

-----Original Message-----

From: adrian@emailuser.net [mailto:adrian@emailuser.net]
Sent: Friday, August 18, 2017 3:17 PM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: Re: CPRA request (FDBID.2017.07.31.b)

Hi Rena,

As I'm sure you're aware, your staff announced a meeting in early August. If Linda Becker received that email it's responsive. If she deleted it it must have been deleted after I made my request. It's quite likely that it's illegal to destroy responsive records after a request has been made. With this in mind, can you please ask Ms. Becker to do another search?

Thanks,

Adrian

On Fri, Aug 18, 2017, at 03:12 PM, Rena Leddy wrote:

Adrian,

I have determined that there are no records responsive to your request FDBID.2017.-7.31.b. No exemptions

Sincerely,
Rena

-----Original Message-----

From: adrian@emailuser.net [mailto:adrian@emailuser.net]
Sent: Friday, August 18, 2017 3:01 PM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: Re: CPRA request (FDBID.2017.07.31.b)

Good afternoon, Rena.

I'm just wondering about the status of this. You don't seem to have made an initial determination yet.

thanks,

Adrian

On Mon, Jul 31, 2017, at 04:52 PM, adrian@emailuser.net wrote:

Good afternoon, Rena.

I'd like copies of all 2017 emails in the possession of Linda Becker

EXHIBIT J

Re: CPRA request (FDBID.2017.07.31.b)

From: adrian@emailuser.net
To: [Rena Leddy <rena@fashiondistrict.org>](mailto:rena@fashiondistrict.org)
Subject: Re: CPRA request (FDBID.2017.07.31.b)
Date: Friday, August 18, 2017 5:36 PM
Size: 4 KB

Rena, I don't think you can actually be complying with the law with respect to this request.

First you told me that there were no responsive records.

Then you said that there were responsive records but that they were exempt except for a small subclass, copies of which you have promised to obtain.

However, the fact that you don't already have copies of those nonexempt emails suggests strongly that you made your determination without having made a search for responsive records.

This of course, is not allowed by the CPRA, which requires you to search for the records and then make a determination. This is especially important when you're claiming exemptions based on section 6255(a), which, if it means anything, what you're calling "deliberative process" must be.

That section, of course, requires you to make a fact-based determination that on the specific facts of the case the public interest in withholding the record ***clearly*** outweighs the public interest in its release. There is no plausible way to make such a determination without having looked at the actual records in question.

It's highly implausible that there is any such public interest in withholding these records. If you continue to maintain that there is, I hope you will tell me what it is.

Please reconsider your noncompliant stance on these records. Also, please ask Ms. Becker not to delete any responsive emails, whether or not you consider them exempt, until we have thoroughly settled this question.

Thanks,

Adrian

On Fri, Aug 18, 2017, at 05:05 PM, Rena Leddy wrote:

I have determined that your request seeks records exempt from disclosure pursuant to the deliberative process privilege. Subject to the exemption, I will obtain for you a copy of all emails to Ms. Becker advising of Board meetings including any in August after your CPRA request was received; however I believe those, other than any August email, were provided to you in response to another request.

-----Original Message-----

From: adrian@emailuser.net [mailto:adrian@emailuser.net]
Sent: Friday, August 18, 2017 3:17 PM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: Re: CPRA request (FDBID.2017.07.31.b)